

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
§
VS. § CRIMINAL ACTION NO. 2:14-CR-00131-1
§
SCOTT WAYMIRE §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is a serious risk that the defendant will not appear; and

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant has been charged in a five-count indictment with possessing child pornography depicting prepubescent minor children in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A). Therefore, the evidence against the defendant meets the probable cause standard. The Government presented testimony that the defendant has, in the past, committed sex offenses against his minor step-children. The step-children have recently been removed from the defendant's home by the Texas Department of Family and Protective Services. The Indictment alleges that the defendant knowingly possessed child pornography as recently as October 2, 2013. Further, the defendant does not currently have a suitable co-surety or third-party

custodian, which the Court would require in this case before setting bond. The findings and conclusions contained in the Pretrial Services Report are adopted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 13th day of March, 2014.

Jason B. Libby
Jason B. Libby
United States Magistrate Judge